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**DATE: January 25, 2005**  
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Examiner: **Debbie M. Le**  
U.S.P.T.O. Group Art Unit: **2167**  
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U.S. Serial No.: **10/037,397**  
Client/Matter No.: **ABTT-0254/B000701**  
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**Attached hereto is/are the following documents:**

- 1) 312 Communication Concerning Initialled 1449 Forms
- 2) Copy of return postcard stamped 4/3/02
- 3) Copy of Information Disclosure Statement dated 3/28/2002 (received in PTO 4/3/02)
- 4) Copy of 1449 Forms (Sheet 1 of 2 and Sheet 2 of 2)
- 5) Copy of pages 1 and 2 and Office Action Summary of Office Action dated 4/29/04; with copy of initialed Sheet 2 of 2 of 1449 forms

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DOCKET NO.: ABTT-0254/B000701

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Le Tang, et al.

Serial No.: 10/037,397

Filing Date: December 21, 2001

Confirmation No.: 7398

Group Art Unit: 2167

Examiner: LE, Debbie M.

FOR: METHOD FOR EVALUATION OF ENERGY UTILITIES

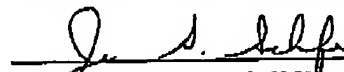
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DATE: Jan 25, 2005

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Jerome G. Schuefer/REG. NO. 50,806

Mail Stop: Issue Fee  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

COMMUNICATION UNDER 37 CFR 1.312  
CONCERNING INITIALED 1449 FORMS

Applicants submitted an Information Disclosure Statement to the U.S. Patent Office on April 3, 2002. A copy of Information Disclosure Statement, the two 1449 forms and a copy of the return postcard bearing the U.S. PTO date stamp, are enclosed.

The Examiner indicated in her Office Action of April 29, 2004 that the Information Disclosure Statement submitted on April 3, 2002 had been considered by the Examiner (copy of relevant pages of Office Action dated April 29, 2004 are enclosed).

In addition the Examiner initialed and returned sheet 2 of the two 1449 forms

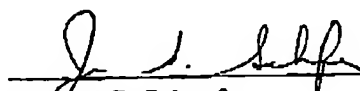
DOCKET NO.: ABTT-0254/B000701 - 2 -

PATENT

submitted with the Information Disclosure Statement of April 3, 2002. Sheet 1 of the 1449 Forms was neither initialed nor returned.

Applicants respectfully request that the Examiner initial the sheet 1 of the 1449 forms attached thereto and return the initialed 1449 form to the undersigned before the issue fee due date of April 13, 2004.

Date: JAN 25, 2005

  
Jerome G. Schaefer  
Registration No. 50,800

Woodcock Washburn LLP  
One Liberty Place - 46th Floor  
Philadelphia PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439

**RECEIVED BY THE UNITED STATES  
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**Paper:** Information Disclosure Statement (in duplicate) w/ First Class  
Certification; USPTO-1449 (2 pages); 23 references cited/ 19 references  
submitted (AA-AS); return postcard

**Applicant(s) :** Le Tang et al.

**Title:** METHOD FOR EVALUATION OF ENERGY UTILITIES

**Serial No.:** 10/037,397

**Filed:** December 21, 2001

**Docket No.:** ABTT-0254/B000708

**Date Sent:** March 28, 2002



DOCKET NO.: ABTT-0254/B000701

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Le Tang, et al.

Serial No.: 10/037,397

Group Art Unit: 2615

Filing Date: December 21, 2001

Examiner: Not yet assigned

For: METHOD FOR EVALUATION OF ENERGY UTILITIES

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Paul B. Milcetic  
TYPED NAME: Paul B. Milcetic  
REGISTRATION NO.: 46,261

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

## INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

- ☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first office action after the filing of request for continued examination under §1.114, no additional fee is required.

DOCKET NO.: ABTT-0254/B000701 - 2 -

PATENT

- ☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐the first or ☐second After Final Submission, therefore:
- ☐ Certification in Accordance with §1.97(e) is attached; or
- ☐ The fee of \$180.00 as set forth in §1.17(p) is attached.
- ☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or before an action that otherwise closes prosecution in the application, therefore:
- ☐ Certification in Accordance with §1.97(e) is attached; or
- ☐ The fee of \$180.00 as set forth in §1.17(p) is attached.
- ☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with §1.97(e); and the submission fee of \$180.00 as set forth in §1.17(p).
- ☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- ☒ Copies of references listed on the attached Form PTO-1449 are enclosed herewith
- EXCEPT THAT:
- ☒ In view of the voluminous nature of references AT-AW, and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- ☐ In accordance with §1.98(d), copies of the following references listed on

DOCKET NO.: ABTT-0254/B000701 - 3 -

PATENT

the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. §120 have been made in the instant application:

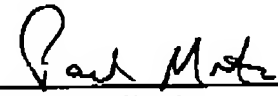
- ☐ Copies of references [list as appropriate] listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. , filed .
- ☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.

This form is submitted in duplicate.

There are no listed references which are not in the English language.

Date: *March 29, 2002*

  
Paul B. Milcetic  
Registration No. 46,261

WOODCOCK WASHBURN LLP  
One Liberty Place - 46th Floor  
Philadelphia, PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439

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Sheet 1 of 2

<b>Form PTO-1449 Modified</b>  List of Patent and Publications Cited by Applicant (Use several sheets if necessary)  U.S. Department of Commerce Patent and Trademark Office		Docket No. <b>ABTT-0254/B000701</b>	Serial No. <b>10/037,397</b>
		Applicant <b>Le Tang, et al.</b>	
		Filing Date <b>December 21, 2001</b>	Group <b>2615</b>
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>			
	<b>AA</b>	Charnes, A. et al., "Measuring the Efficiency of Decision Making Units," <i>European Journal of Operations Research</i> , 1978, 2, 429-444	
	<b>AB</b>	Farell, M. J., "The Measurement of Productive Efficiency," <i>Journal of the Royal Statistical Society</i> , 1957, Series A, 120(3), 253-281	
	<b>AC</b>	Dyson, R. G., "Data Envelopment Analysis," Ali Emrouznejad's DEA HomePage, ( <a href="http://www.warwick.ac.uk/~bsrlu/dea/deat/deat.htm">www.warwick.ac.uk/~bsrlu/dea/deat/deat.htm</a> ), 1 page, 1995	
	<b>AD</b>	Trick, M., "Data Envelopment Analysis for Consultants," ( <a href="http://www.mat.gsia.cmu.edu/mstc/dea/dea.html">www.mat.gsia.cmu.edu/mstc/dea/dea.html</a> ), 2 pages, 1996	
	<b>AE</b>	Beasley, J. E., "Data Envelopment Analysis," <i>OR-Notes</i> , ( <a href="http://www.mscmga.ms.ic.ac.uk/jeb/or/dea.html">www.mscmga.ms.ic.ac.uk/jeb/or/dea.html</a> ), 14 pages	
	<b>AF</b>	Coelli, T., "A Guide to DEAP Version 2.1: A Data Envelopment Analysis (Computer) Program," University of New England, Armindale, NSW, Australia ( <a href="http://www.une.edu.au/econometrics/cepanews.htm">www.une.edu.au/econometrics/cepanews.htm</a> ), 2 pages	
	<b>AG</b>	Färe, R. et al., "The Relative Efficiency of Illinois Electric Utilities," <i>Resources and Energy</i> , 1983, 5, 349-367	
	<b>AH</b>	Charnes, A. et al., "Comparisons of DEA and Existing Ratio and Regression Systems for Effecting Efficiency Evaluations of Regulated Electric Cooperatives in Texas," <i>Research in Government and Nonprofit Accounting</i> , 1989, 5, 187-210	
	<b>AI</b>	Miliotis, P. A., "Data Envelopment Analysis Applied to Electricity Distribution Districts," <i>Journal of Operational Research Society</i> , 1992, 43(5), 549-555	
	<b>AJ</b>	Bagdadioglu, N. et al., "Efficiency and Ownership in Electricity Distribution: A non-parametric model of the Turkish experience," <i>Energy Economics</i> , 1996, 18, 1-23	
	<b>AK</b>	Førsund, F. R. et al., "Productivity development of Norwegian electricity distribution utilities," <i>Resource and Energy Economics</i> , 1998, 20, 207-224	
<b>EXAMINER</b>		<b>DATE CONSIDERED</b>	



Sheet 2 of 2

<b>Form PTO-1449 Modified</b>		<b>Docket No.</b> ABTT-0254/B000701	<b>Serial No.</b> 10/037,397
List of Patent and Publications Cited by Applicant (Use several sheets if necessary)		<b>Applicant</b> Le Tang, et al.	
U.S. Department of Commerce Patent and Trademark Office		<b>Filing Date</b> December 21, 2001	<b>Group</b> 2615
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>			
	<b>AL</b>	Hjalmarsson, L. et al., "Productivity in Swedish Electricity Retail Distribution," <i>Scandinavian Journal of Economics</i> , 1992, 94(Supplement), S193-S205	
	<b>AM</b>	Kittelsen, S. A. C., "Using DEA to Regulate Norwegian Electricity Distribution Utilities," <i>Presentation at the Sixth European Workshop on Efficiency and Productivity Analysis</i> , Copenhagen, Denmark, October 29-31, 1999, 10 pages	
	<b>AN</b>	Agrell, P. J. et al., "Efficiency and Incentives in Regulated Industries: The Case of Electricity Distribution in Scandinavia," <i>Presentation at the Sixth European Workshop on Efficiency and Productivity Analysis</i> , Copenhagen, Denmark, October 29-31, 1999, 1-31	
	<b>AO</b>	"Choice of model and availability of data for the efficiency analysis of Dutch network and supply businesses in the electricity sector," <i>Netherlands Electricity Regulatory Service</i> , February 2000, 46 pages	
	<b>AP</b>	"Efficiency and benchmarking study of the NSW distribution businesses," <i>Independent Pricing and Regulatory Tribunal of New South Wales</i> , February 1999, 105 pages	
	<b>AQ</b>	Review of Public Electricity Suppliers 1998-2000, Distribution Price Control Review: Consultation Paper, <i>Office of Electricity Regulation (OFFER)</i> , Birmingham, UK, May 1999	
	<b>AR</b>	UMS group Inc. HomePage ( <a href="http://www.umsgroup.com">www.umsgroup.com</a> )	
	<b>AS</b>	DATAMONITOR Home Page ( <a href="http://www.datamonitor.com">www.datamonitor.com</a> )	
*	<b>AT</b>	POWERdat, Resource Data International, Boulder, CO, 1997	
*	<b>AU</b>	Utility DATAPACK, Utility Data Institute, Fairfield, CT, 1997	
*	<b>AV</b>	Cooper, W. W. et al., <i>Data Envelopment Analysis</i> , Kluwer Academic Publishers, Boston, 2000	
*	<b>AW</b>	Norman, M. et al., <i>Data Envelopment Analysis: The Assessment of Performance</i> , John Wiley & Sons, Chichester, 1991	
<b>EXAMINER</b>		<b>DATE CONSIDERED</b>	

\*A copy of this reference will not be forwarded to the U.S. Patent and Trademark Office since it is believed to be too voluminous and easily obtainable by the Examiner.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,397	12/21/2001	Le Tang	ABTT-0254/B000701	7398
23377	7590	04/29/2004	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE, 46TH FLOOR 1650 MARKET STREET PHILADELPHIA, PA 19103			LE, DEBBIE M	
			ART UNIT	PAPER NUMBER
			2177	

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MAY 03 2004

Woodcock Washburn

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/037,397	TANG ET AL	
	Examiner	Art Unit	
	DEBBIE M LE	2177	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

Application/Control Number: 10/037,397  
Art Unit: 2177

Page 2

## DETAILED ACTION

### *Priority*

Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

### *Information Disclosure Statement*

→ The information disclosure statement (IDS) submitted on 4/3/02 is in compliance with the provisions of 37 CFR 1.97 and has been considered by the examiner.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).



Sheet 2 c

<b>Form PTO-1449 Modified</b>  List of Patent and Publications Cited by Applicant (Use several sheets if necessary)  U.S. Department of Commerce Patent and Trademark Office		Docket No. <b>ABTT-0254/B000701</b>	Serial No. <b>10/037,397</b>
		Applicant <b>Le Tang, et al.</b>	
		Filing Date <b>December 21, 2001</b>	RECEIVED APR 03 2002 Technology Center Group 2615
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>			
DL	AL	Hjalmarsson, L. et al., "Productivity in Swedish Electricity Retail Distribution," <i>Scandinavian Journal of Economics</i> , 1992, 94(Supplement), S193-S205	
	AM	Kittelsen, S. A. C., "Using DEA to Regulate Norwegian Electricity Distribution Utilities," <i>Presentation at the Sixth European Workshop on Efficiency and Productivity Analysis</i> , Copenhagen, Denmark, October 29-31, 1999, 10 pages	
	AN	Agrell, P. J. et al., "Efficiency and Incentives in Regulated Industries: The Case of Electricity Distribution in Scandinavia," <i>Presentation at the Sixth European Workshop on Efficiency and Productivity Analysis</i> , Copenhagen, Denmark, October 29-31, 1999, 1-31	
	AO	"Choice of model and availability of data for the efficiency analysis of Dutch network and supply businesses in the electricity sector," <i>Netherlands Electricity Regulatory Service</i> , February 2000, 46 pages	
	AP	"Efficiency and benchmarking study of the NSW distribution businesses," <i>Independent Pricing and Regulatory Tribunal of New South Wales</i> , February 1999, 105 pages	
	AQ	Review of Public Electricity Suppliers 1998-2000, Distribution Price Control Review: Consultation Paper, <i>Office of Electricity Regulation (OFFER)</i> , Birmingham, UK, May 1999	
	AR	UMS group Inc. HomePage ( <a href="http://www.umsgroup.com">www.umsgroup.com</a> )	
	AS	DATAMONITOR Home Page ( <a href="http://www.datamonitor.com">www.datamonitor.com</a> )	
*	AT	POWERdat, Resource Data International, Boulder, CO, 1997	
*	AU	Utility DATAPACK, Utility Data Institute, Fairfield, CT, 1997	
*	AV	Cooper, W. W. et al., <i>Data Envelopment Analysis</i> , Kluwer Academic Publishers Boston, 2000	
* ✓	AW	Norman, M. et al., <i>Data Envelopment Analysis: The Assessment of Performance</i> John Wiley & Sons, Chichester, 1991	
EXAMINER <i>DL</i>		DATE CONSIDERED <i>4/20/05</i>	

\*A copy of this reference will not be forwarded to the U.S. Patent and Trademark Office since it is believed to be too voluminous and easily obtainable by the Examiner.

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